

**MYRTLE STREET  
SPECIAL AREA  
CONCEPT STUDY –  
PHASE III**

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Myrtle Street Special Area Study – Phase III Conservation Village Concept Implementation Presentation

**DEPARTMENT:** Planning and Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Tony Walter **EXT.** 7375

**Agenda Date** 12/03/03 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. RECOMMEND accepting the study and implementation of the concept with staff recommendations.
2. RECOMMEND accepting the study and implementation of the concept with alternate recommendations and comments.
3. RECOMMEND accepting the study with no further actions.
4. CONTINUE this item to a date and time certain.

District 5 – Commissioner McLain

Tony Walter, Assistant Planning Manager

**BACKGROUND:**

The Board of County Commissioners directed staff to conduct Phase III of the Myrtle Street Special Area Study to conduct further financial analysis and develop an implementation strategy for the Conservation Village Concept. Staff was also to look at the feasibility of providing an opportunity to apply for density bonuses to encourage development with significant public benefit as they relate to roads, water, sewer and stormwater infrastructure, preservation of upland open areas, and quality of life in Seminole County.

Staff has conducted a series of focus group meetings to collect input from the neighborhood, the development community and County departments and other regulatory agencies that would be impacted by the implementation of the Conservation Village Concept. Staff and the consultant have taken this input and developed a series of proposed criteria for consideration in implementing the Concept and in granting incentive density bonuses. This item is a continuation of the discussion at the November 5, 2003 meeting.

Reviewed by:  
Co Atty: KAC  
DFS: \_\_\_\_\_  
Other: MW  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. Z2003-024

**STAFF RECOMMENDATION:**

RECOMMEND accepting the study and implementation of the concept with staff recommendations listed in the attached Conservation Village Design Concept Implementation Matrix.

Attachment: Myrtle Street Phase III Summary  
Myrtle Street Special Area Study – Phase III Executive Summary  
“Review of Comprehensive Plan & Land Development Code  
Conservation Village Design Concept Implementation Matrix  
Original Draft Recommended Conservation Village Design Zoning  
Original Draft Recommended Subdivision Regulations

## Myrtle Street Special Area Study Phase III Summary

The first task of Phase III was to review the Comprehensive Plan and Land Development Code to identify appropriate amendments to facilitate implementation of the Conservation Village Concept. Both the Comprehensive Plan and the Land Development Code already support characteristics of Conservation Village such as; preservation of character and open space, cluster development, conservation criteria, flexible lot requirements, creative design process, conservation easements, and incentives. The attached Executive Summary provides more detail. However, Comprehensive Plan and Land Development Code changes specific to the Myrtle Street Sub Area – 1 and the Conservation Village Design Concept are required.

The public and stakeholder involvement process is the heart of Phase III. It is designed to continue involvement of residents and property owners within the study area and to inform and seek input from the development community and regulatory agencies. The Community Task Force that was established in Phase II of the study serves to review and comment on all aspects of the study. The focus groups, their purpose, members and input to date are presented below.

Member Description	Purpose	Input
<b>“Development Community”</b> – a small group of individuals involved in local land development activities, including developers, professional services (engineers, land planners, attorneys), real estate, etc.	The purpose of this session was to obtain feedback on conservation design approaches and potential implementing policies or regulations, potential opportunities and constraints to such development in the area, potential infrastructure cost savings, and the potential effectiveness of incentives to encourage such practices.	<b>Solid</b> concept with significant potential and benefit. <b>Issues</b> of concern: <ul style="list-style-type: none"> <li>• Open space maintenance</li> <li>• Density &amp; clustering reducing costs?</li> <li>• Incentives needed to entice and improve feasibility</li> <li>• Swales/ditches developed in segments may be inconsistent with a larger system</li> </ul> <b>Myrtle Street</b> related comments: <ul style="list-style-type: none"> <li>• Groundwater level impacts cost of infrastructure and streets</li> <li>• Minimum 2.5 to 3.0 DU/AC needed in</li> </ul>

		area to be feasible with improvements <b>Enjoyed</b> and appreciated opportunity for input
<p><b>“Interagency Focus Group”</b> a small group of individuals representing Seminole County departments and other area agencies with potential interest in conservation-oriented development (St John’s River Water Management District, state/federal environmental resource agencies) etc.</p>	<p>The purpose of this session was to obtain feedback on conservation design approaches and potential opportunities and constraints to such development in the area, in terms of particular agency programs, requirements or concerns and potential infrastructure cost savings.</p>	<p><b>Drainage</b> should focus on volume, diversion and water quality. <b>Countywide</b> vs. Myrtle Street</p> <ul style="list-style-type: none"> <li>• Desirable as a "test balloon" for the rest of the county</li> <li>• Increased size of developable area improves chances of success</li> </ul> <p><b>Primary</b> and <b>Secondary</b> Conservation standards should follow current requirements. <b>Determination</b> of density should follow current format. <b>Development</b> of conservation villages by right (instead of PUD) sounds more effective. <b>Maintenance</b> endowment a <b>MUST</b> to maintain conservation areas.</p>
<p><b>“Community Task Force”</b> property owners and residents as well as interested attendees from the Phase II study effort.</p>	<p>The purpose of these sessions was to obtain feedback on all aspects of the study.</p>	<p><b>Participants</b> from the Task Force would like to present their comments at the meeting.</p>
<p><b>“Land Planning Agency/ Planning &amp; Zoning Commission”</b></p>	<p>Prior to the BCC public hearing staff will brief the LPA/ P&amp;Z members on the proposed Comprehensive Plan Amendment(s) and other recommendations resulting from Phase III of the study.</p>	<p><b>Thought</b> the concept is innovative and doable if the “bottom line” works. <b>Liked</b> the idea that the developer would have to “earn” additional density over 1.0 du/ac. <b>Recommended</b> additional bonus options to be explored to create more</p>

		<p>flexibility.</p> <p><b>This</b> concept could be used successfully in other areas of the County.</p> <p><b>Thought</b> “Endowment” fund unnecessary and a burden on developer. HOA could maintain Conservation Open Space lands.</p>
--	--	---

Attachments: Myrtle Street Special Area Study – Phase III Executive Summary

# Myrtle Street Special Area Study

## *Phase III*

### Executive Summary

#### Review of Comprehensive Plan and Land Development Code

POLICY	TEXT	REFERENCE
Preservation of Character and Open Space	Vision 2020..."has created a solid foundation for future planning and includes an adopted future land use map and facility strategy which effectively limits urban sprawl; a natural lands acquisition and management program that was designed to restore key ecosystems and protect wildlife and natural areas; an economic incentives program to attract targeted industries and create new high paying jobs; a unique urban design element and program to maintain community quality and create neighborhood compatibility; and a secure and solid infrastructure support system."	Introduction of Vision 2020, Comprehensive Plan for Seminole County
Preservation of Character and Open Space  <i>Rural Character</i>	Within the Wekiva River Protection Area, the term "rural character" means those characteristics which convey a sense of rural characteristics which convey a sense of rural lifestyle including agricultural uses, limited residential density at one (1) unit per net buildable acre or less, large lots, ample views of wooded areas and open space, preservation of greenway and wildlife corridors, narrow pavement widths, rural roadway corridors, public and private roads predominantly no more than two (2) lanes in width ... and a preference for rural vernacular architecture...	Definition of Rural Character Introduction of Vision 2020, Comprehensive Plan for Seminole County
Preservation of Character and Open Space	"The County shall continue to use and enforce, at a minimum, the open space requirements of the Planned Unit Development zoning classification and the County's arbor and landscaping regulations as set forth in the Land Development Code."	Policy CON 3.7, Open Space Regulation Conservation Element of Vision 2020, Comprehensive Plan for Seminole County

Preservation of Character and Open Space	"The County shall develop standards for the preservation of large canopy trees and natural vegetation through coordinated design and use of water bodies and wetlands for multiple uses such as stormwater management and development amenities."	Policy CON 1.1, Multiple Use Design Element of Vision 2020, Comprehensive Plan for Seminole County
Cluster Development	A development, usually residential, in which lot sizes are reduced while the overall density is not increased, thereby creating common open space areas, which are permanently restricted from development through recorded binding legal instruments.	Definition of Cluster Development Introduction of Vision 2020, Comprehensive Plan for Seminole County
Cluster Development	"The County shall encourage planned unit developments and cluster type developments in order to preserve large contiguous areas of wetlands and other environmentally sensitive communities."	Policy CON 3.8, PUD/Cluster Developments Conservation Element of Vision 2020, Comprehensive Plan for Seminole County
Cluster Development	"An effective by-product of the Future Land Use designations is the application of unique planning techniques, such as clustering. Clustering is one of the most effective tools for preserving wetlands during development, when applied properly. Currently, clustering is encouraged in Planned Developments, the Wekiva Protection Area (Objective FLU: 14) and the Rural area (FLU Policy 11.4). There are demonstrated examples of the success of this technique in Seminole County (Alaqua Lakes, Magnolia Plantation)."	Discussion of Unique Planning Techniques Conservation Element of Vision 2020, Comprehensive Plan for Seminole County



Cluster Development	<p>"The County shall provide for clustering of uses within planned unit developments to:</p> <ul style="list-style-type: none"> <li>A. Preserve conservation areas and other open space and groundwater aquifer recharge areas;</li> <li>B. Allow for creative design;</li> <li>C. Provide for open space;</li> <li>D. Promote the efficient use of infrastructure;</li> <li>E. Provide sites for schools; and</li> <li>F. Promote affordable housing opportunities."</li> </ul>	Policy 1.5, Cluster Development Future Land Use Element of Vision 2020, Comprehensive Plan for Seminole County
Cluster Development	<p>"The County shall continued to enforce Land Development Code provisions relating to rural clustering designed to:</p> <ul style="list-style-type: none"> <li>A. Preserve open space along roadway corridors;</li> <li>B. Preserve open space in rural residential areas;</li> <li>C. Preserve natural amenity areas;</li> <li>D. Enhance the rural character of the area; and</li> <li>E. Ensure that development along roadway corridors improves or protects the visual character of the corridor by encouraging the clustering of dwelling units, as long as lots are no smaller than one (1) acre, with the perpetual reservation of the undeveloped buildable land as open space."</li> </ul>	Policy 11.4, Rural Cluster Development Future Land Use Element of Vision 2020, Comprehensive Plan for Seminole County
Cluster Development	<p>"On property having the Suburban Estates land use designation, wetlands, rare upland habitat, greenways, and wildlife corridors preserved by clustering or the creation of open space through the use of PUD zoning shall be permanently protected by dedication to the St. Johns Water Management District or through the establishment of conservation easements."</p>	Portion of Policy 14.9, Wekiva River Protection Area Design Standards Future Land Use Element of Vision 2020 Comprehensive Plan for Seminole County

Conservation Criteria	"Modify the Land Development Code to establish areas where no loss of wetlands is appropriate and to require the conservation of wetland systems (including upland buffers, the mosaic of isolated and connected wetlands, natural hydrologic patterns, and natural processes such as fire ) in the Econlockhatchee and Lake Jesup Basins, the Wekiva River Protection Areas..."	Portion of Policy CON 3.4, Wetland Regulation Conservation Element Vision 2020, Comprehensive Plan for Seminole County
Conservation Criteria	"The County shall continue to regulate development and preserve environmentally sensitive areas by means of the Conservation future land use designation and associated provisions of the Land Development Code where soils, topography, wetlands, floodplains, land use, and other constraints exist."	Policy FLU 1.1, Conservation Land Use Land Use Element Vision 2020, Comprehensive Plan for Seminole County
Flexible Lot Requirements	"The County shall develop more flexible Land Development Code provisions and variances for the placement of buildings and setbacks to preserve and enhance large canopy trees and natural vegetation..."	Policy FLU 5.19, Administrative Approval of Waivers to Lot Size and Width Future Land Use Element of Vision 2020, Comprehensive Plan for Seminole County
Flexible Lot Requirements	"By December, 2002, the County shall adopt amendments to the Land Development Code that permit the Planning and Development Director to approve administrative waivers to lot size and width in the RC-1, A-1, A-3, A-5, and A-10 zoning districts."	Policy FLU 5.19, Administrative Approval of Waivers to Lot Size and Width Future Land Use Element of Vision 2020, Comprehensive Plan for Seminole County

Creative Design Process	"A mixed use concept plan must be submitted as part of any application to rezone to the MRO, MROC or MROCI zoning classification. The concept plan shall illustrate the location of the proposed uses and indicate densities and intensities and facility improvements."	Discussion of Concept Plan Requirements Policy FLU 5.16, Mixed Use Development Future Land Use of Element Vision 2020, Comprehensive Plan for Seminole County
Conservation Easements	"Additional measures for the protection of these systems should be evaluated along with the concentration of mitigation efforts, acquisition programs, and partnerships with other agencies and private landowners."	Discussion of Wetland Protection Conservation Element Vision 2020, Comprehensive Plan for Seminole County
Conservation Easements	"The County shall continue to rely upon conservation easements or require dedication of open space areas to an appropriate agency as a tool for preserving floodplain, wetland and ecologically significant communities."	Policy CON 3.9, Conservation Easements/Dedication Conservation Element of Vision 2020, Comprehensive Plan for Seminole County
Conservation Easements	"The County shall continue to require the dedication of conservation easements as a means of protecting the functions of floodways."	Policy DRG 2.4, Conservation Easements Drainage Element Vision 2020, Comprehensive Plan for Seminole County

**CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
		<b>LAND DEVELOPMENT CODE - ZONING</b>		
<b>1</b>	Greenway Land/ Open Space minimum required - 50% calculated after Primary Conservation Areas are deducted.	Concur	Reduce to 30% to 40%	Concur with 50% minimum
<b>2</b>	Primary Conservation Areas to include wetlands, floodplains and other areas protected by current state, local & federal regulations. (historic sites, etc)	Concur	Allow for mitigation for impacting poor quality wetlands and providing compensating storage in floodplains.	Consider an incentive for restoration of poor quality wetlands. Consider some impacts with compensating storage to floodplains to allow for reasonable installation of infrastructure.
<b>3</b>	Secondary Conservation Areas to include natural or unique features such as woodlots, viewsheds & culturally significant sites not already protected.	No comment	No comment	Promote but not require inclusion in Greenway Land/ Open Space.
<b>4</b>	Permanent Conservation Easement required for Greenway Land/ Open Space prohibiting future development and defining range of permitted activities.	Concur	Concur	Concur with permanent conservation easement requirement,
<b>5</b>	Maintenance Endowment required for Greenway Land/ Open Space to provide for fiscal support of maintenance and cost offset by incentive bonus. (density)	Concur with concept, exclude the incentive offset.	Prefer the traditional HOA methodology for common area maintenance.	No preference between endowment and HOA. Consider keeping endowment as an option, but not a requirement.

**CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>6</b>	Require Existing Resources and Site Analysis Plan that demonstrates how the Primary Conservation Areas, Greenway Lands/ Open Space and Secondary Conservation Areas will be protected, how they will function and relate internally. A requirement for approval of concept and incentive bonuses.	No comment	No comment	Concur with recommended process.
<b>7</b>	Determination of Density calculated by utilizing process in Sec. 30.159 that extracts Primary Conservation Areas and anticipated space required for infrastructure. (Related to #2 above)	No comment	No comment	Concur with process which should take place at the Existing Resources and Site Analysis Plan stage.
<b>8</b>	Determination of Density 80/20 methodology. Also to allow developer to take credit for areas originally included in the 20% set aside for infrastructure if all of the set aside is not used.	Feel this is a double bonuses if allowed to take credit for part of 20%.	If a PSP or Existing Resources and Site Analysis Plan are required do we need to deal with 80/20?	Consider eliminating 80/20 if this concept is selected.

# **CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>9</b>	Building Area 9,000 sq ft minimum lot size and lot width.	9,000 minimum lot size is to large. Goes against concept of smaller lots to conserve open space, reduce infrastructure & stormwater impact on water quality.	Reduce lot size to 5,000 sq ft.	Reduce minimum lot size to 5,000 sq ft or consider eliminating minimum lot size and width altogether. Direct developer to place building pads in the most appropriate location providing for off street parking of 4 vehicles and meeting building and safety code requirements.
<b>10</b>	Yard Regulations - Front 25', Side 15', Rear 35'	Increase front yard to 50' to address parking concerns	Side and rear yard set backs are excessive. Consider 5' side and 20' rear.	Consider not specifying set backs. Direct developer to place building pads in the most appropriate location meeting building and safety code requirements.

# **CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>11</b>	Permitted Greenway Uses - Conservation (woodlot, wetland, managed meadow); agricultural (horticulture, raising of crops or livestock); pastureland (horses for recreation, equestrian facilities); forestry; neighborhood open space (village greens, picnic areas, community gardens, trails, low impact passive recreational uses); active non-commercial recreation areas (playing fields, playgrounds, courts, bikeways); water supply & sewage disposal, stormwater detention (if landscaped); easements (drainage, access, sewer or water lines);	Concern with livestock, playing fields, playgrounds, sewage disposal.	concern with livestock, horses, sewer disposal, active non-commercial recreation areas if open to the public	Delete raising of livestock, sewer disposal. Limit non-commercial recreation to meet the needs of immediate neighborhood with no lighting and limited parking.
<b>12</b>	Greenway Design Standards - lands to be laid out to ensure that an interconnected network of open space is provided. Connection to adjacent strongly encouraged. 150' buffers if adjoins public parkland.	No comment	Concern with connecting to adjacent property. 150' buffer seem high	Concur with recommendation if 150' buffer is reduced to 100' if adjacent public park land is passive in nature.

**CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>13</b>	Neighborhood Development Standards setback requirements - 100' from external road ultimate r-o-w; 50' from all other tract boundaries; 100' from cropland or pasture; 300' from building housing livestock; 150' from active recreation areas	If raising livestock is not allowed, delete setbacks from cropland, pasture & buildings housing livestock	If raising livestock is not allowed, delete setbacks from cropland, pasture & buildings housing livestock. External roadway setback is excessive.	If raising livestock is not allowed, delete setbacks from cropland, pasture & buildings housing livestock. Change External roadway setback to 140' from center line.
<b>14</b>	At least 3/4 of lots shall directly abut or face greenway/ open space across a street.	No comment	Delete	Reduce requirement to 2/3.
<b>15</b>	Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of 35' wide.	No comment	Delete, seem excessive	Concur with recommendation.
<b>16</b>	Ownership and maintenance options for Greenway Lands/ Open space. (related to #5 above)	No comment	Exclude maintenance endowment.	concur with recommendations. No preference between endowment and HOA. Consider keeping endowment as an option, but not a requirement.
<b>17</b>	Subdivision Regulations address procedures, required submittals, design standards, (see attached summary)			
	<b>DENSITY INCENTIVE BONUSES</b>			Recommend cumulative incentive bonus not exceed 1.0 du/ac. Total density not to exceed 2.0 du/ac.



**CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>18</b>	Endowment for Greenway Maintenance (Required) - 0.3 du/ac	Reduce to 0.25 du/ac	Delete	Leave in as an option with incentive to be commensurate with capital needed to fund the endowment.
<b>19</b>	Water/Sewer Connection - 0.4 du/ac	Delete	Increase to 0.6 du/ac	Concur & reduce incentive bonus.
<b>20</b>	Stormwater Volume Reduction Incentive Bonus - 0.6 du/ac	Delete	Concur with recommendation	Concur & reduce incentive bonus
<b>21</b>	Water Quality Treatment - 0.2 du/ac	Reduce to 0.125 du/ac.	Concur with recommendation	Concur with recommendation.
<b>Additional Density Incentive Bonuses for Consideration</b>				
<b>22</b>	Selection of Conservation Technique		Should qualify for incentive bonus.	Not recommended. Incentive bonuses should be related to something tangible over and above typical code requirements.
<b>23</b>	Restoration of Natural Land	0.125 du/ac incentive bonus would be appropriate		Reasonable candidate for an incentive bonus.
<b>24</b>	Affordable Housing			Can be addressed as part of Mixed Use - varied house sizes.
<b>25</b>	Public Access to Greenways			Reasonable candidate for an incentive bonus.
<b>26</b>	Multi-Use Trail Development			Reasonable candidate for an incentive bonus.
<b>27</b>	Large/Combined Parcel Development			A primary candidate for an incentive bonus.
<b>28</b>	Connectivity with adjacent Greenway Lands/ Trails			Should be a requirement as part of the overall neighborhood development.
<b>29</b>	Mixed Use particularly varied housing sizes			Reasonable candidate for an incentive bonus.

**CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>30</b>	Increased Open Space over & above minimum required.			A primary candidate for an incentive bonus.
		<b>LAND DEVELOPMENT CODE - SUBDIVISION REGULATIONS</b>		
<b>31</b>	Existing Resources and Site Analysis submittal required to identify significant features. (primary & secondary conservation areas, cultural or historical sites, prominent views, easements)			Required as an integral part of designing a Conservation Village.
<b>32</b>	Sketch and final Four Step Design Process which illustrates the design process as part of Preliminary Plan.			Required as an integral part of designing a Conservation Village.
<b>33</b>	Greenway Ownership and Management Plan as part of Preliminary Plan.			Required as an integral part of a sustainable Conservation Village.
<b>34</b>	Preliminary Resource Impact and Conservation Plan as part of Preliminary Plan.			Required as an integral part of designing a Conservation Village.
<b>35</b>	Street design to be determined with the Four Step Design Process. (narrower pavement, sidewalks, drainage)			Required as an integral part of designing a Conservation Village.
<b>36</b>	Blocks and Lots to be determined with the Four Step Design Process.			Required as an integral part of designing a Conservation Village.

**CONSERVATION VILLAGE DESIGN CONCEPT IMPLEMENTATION MATRIX**

	<b>Implementation Strategy Recommendation</b>	<b>Group A Recommendation</b>	<b>Group B Recommendation</b>	<b>Staff Recommendation</b>
<b>37</b>	Fences - maximum 25% opaque, natural materials and excluding block, brick, concrete & stucco, enhance open character and viewsheds			Required as an integral part of a sustainable Conservation Village.
<b>38</b>	Buffers - retain existing natural cover and wooded areas and/or suitable landscaping; include sidewalk or trail suitable for joint use of pedestrians and bicycles.			Required as an integral part of a sustainable Conservation Village.
<b>39</b>	Greenway Design - prioritize list of resources to be preserved, public access and uses.			Required as an integral part of designing a Conservation Village.

# Chapter 35 SUBDIVISION REGULATIONS

\* - Indicates no change or addition to existing text.

New language is underlined

## **Sec. 35.12. Review of development plan.**

- (a) Purpose. The purpose of the development plan is to provide for an initial review of the development proposal and the basic development concepts prior to proceeding with the detailed phases of preliminary plan. The developer will provide a concise statement and description of the development proposal. The expenses for engineering studies, surveying, legal information, and planning studies will not be necessitated at this stage. At the applicant's option, the development plan process may be by-passed and the project may proceed directly to preliminary plan review. Conservation Village applications are very strongly encouraged to submit a development plan for review and approval.

\*

- (3) If significant problems with the design layout or physical properties with the site are indicated, the development review committee may require that the subdivider provide additional information as it deems necessary before making a decision on the development plan as submitted. For Conservation Village applications, a site visit by the review committee with the applicant is encouraged, but not required.

\*

- (5) The development review committee, with the concurrence of the district county commissioner, will make the decision to approve, subject to specific changes, or disapprove the development plan. If the subdivider disagrees with the decision rendered by the development review committee, or, if he disagrees with any requested changes or restrictions, he may appeal to the planning and zoning commission by filing a written letter detailing each specific fact or situation relative to the appeal. In the case of a Conservation Village application, the applicant may request discussion of the development plan with the Board to gather additional information prior to development of a preliminary plan. Approval of the development plan shall authorize the subdivider to prepare the preliminary plan.

\*

## **Sec. 35.13. Review of preliminary plan.**

\*

## **Sec. 35.14. Review of final plat.**

\*

**Sec. 35.15. Recording of final plat.**

\*

**Sec. 35.16. Home construction prior to plat recording.**

\*

**Secs. 35.17--35.30. Reserved.**

***PART 3. RESERVED***

**Secs. 35.31--35.40. Reserved.**

***PART 4. REQUIRED SUBMITTALS***

**Sec. 35.41. Purpose.**

\*

**Sec. 35.42. Required submittals for development plan.**

The development plan shall be drawn at a reasonable scale (one (1) inch to one hundred (100) feet), submitted in nine (9) copies, and shall show the following:

\*

(f) Soils.

- (1) Soil classification map drawn on the face of the plan for comparison with proposed development activities. Indicate soil classifications on the plat as identified by the United States Department of Agriculture Soil Conservation Service in the "Seminole County Soil Survey" and "Soil Survey Supplement." An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the identified soils are not classified correctly. If said determination is concurred in by the development review manager, the soils shall be correctly identified for the purpose of this chapter.
- (2) Soil analysis by a qualified soil engineer shall be furnished, upon request of the development review manager, for submittal with preliminary plat.

(g) Topography. As delineated by the United States Geological Survey Maps will be adequate.

(h) Other natural features. Including lakes, wetlands, water courses, and other pertinent features. Tree cover will be compared with road locations, but no submittals will be necessary at this stage. Seminole County wetlands maps or aerial photography interpretation may be utilized for wetlands delineation.

- (i) Limits of floodplain. Indicate flood elevation, drawn on the face of the plan, for 100-year flood as established by the United States Geological Survey Map series entitled, "Map of Flood Prone Areas," or the "Flood Insurance Rate Map (FIRM)." An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the property does not fall within the designated flood delineation. If said expert determines that the property in question is not within a flood-prone area, and said determination is concurred in by the Seminole County Engineer or his designee, said property shall be designated as nonflood-prone for the purpose of this chapter.
- (j) Utilities. Proposed source of water and sewer and method of addressing storm drainage.
- (k) Sketch Existing Resources and Site Analysis Map. Applicants or developers considering Conservation Village design shall present a sketch analysis including items (f) through (i) of this section as well as the following:
  - (1) Prominent views into the site from public roads, parks or other areas of public interest.
  - (2) Historically or culturally significant sites or structures including those that are protected as well as those of interest for potential preservation or utilization.
  - (3) Easements or restrictions that apply to the site.
- (l) Sketch Four Step Design Process for Conservation Village Design. Applicants or developers considering Conservation Village design shall present one or more sketches that present the four step process utilized in developing a Conservation Village.
  - (1) Greenway Lands
    - (i) The minimum acreage of required greenway lands shall be calculated as per requirements set forth in Section 30.1322 and submitted as part of the Development Plan.
    - (ii) Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with Section 30.1322 and Section 30.1324 of the Land Development Code. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and other natural areas in which development is prohibited.
    - (iii) In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the site in terms of their highest to least suitability for inclusion in the proposed Greenway as determined by the applicant or developer. Consideration for conservation should be given to context, viewsheds, further protection of Primary Conservation Areas, interconnectivity, and minimum greenway land requirements.

- (2) House Sites. Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the Sketch Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
- (3) Streets and Trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house following Seminole County Transportation Standards. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and wildlife habitat.
- (4) Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

#### **Sec. 35.43. Required submittals for preliminary plan.**

Required submittals for the preliminary plan shall consist of a plat, preliminary engineering drawings, and other auxiliary submittals as herein stated.

\*

- (6) Public open space and easements. Existing park lands, lakes, waterways and wetlands within the tract to be subdivided shall be shown. Existing public easements shall be shown on the plat. The purpose for such easement shall be indicated. Additionally, preliminary plans for Conservation Village design shall delineate greenway lands to be preserved under conservation easement.

\*

- (13) Homeowners association. All developments whose submitted plan indicates the existence of one (1) or more areas to be held in common by the property owners shall have established and maintained a homeowners association membership in which will be required for all purchasers of lots or parcels of land within the plat. Said association shall be established by the developer at the time, and as a condition, of platting and shall be acceptable to county. Upon request of the developer and a showing of undue hardship, the board of county commissioners, at its sole discretion, may waive the requirement of this provision. When the applicant is seeks approval utilizing Conservation Village design, the homeowners association documents

shall be required prior to approval of a preliminary plan. The document, at minimum, shall include the following:

- i) A description of all lands and facilities to be owned by the homeowners association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
  - ii) Statements setting forth the powers, duties, and responsibilities of the homeowners association, including the services to be provided.
  - iii) A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the homeowners association. The Declaration shall be a legal document which also provides for automatic association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the association, including voting, elections, and meetings. Furthermore, it shall give power to the association to own and maintain the common property and to make and enforce rules.
  - iv) Statements prescribing the process by which homeowners association decisions are reached and setting forth the authority to act.
  - v) Statements requiring each owner within the subdivision or land development to become a member of the homeowners association.
  - vi) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
  - vii) Requirements for all owners to provide a pro rata share of the cost of the operations of the homeowners association.
  - viii) A process of collection and enforcement to obtain funds from owners who fail to comply.
  - ix) A process for transition of control of the homeowners association from the developer to the unit owners.
  - x) Statements describing how the lands and facilities of the homeowners association will be insured, including limit of liability.
  - xi) Provisions for the dissolution of the homeowners association, in the event the Association should become in viable.
- (14) Formal Existing Resources and Site Analysis Map. Applicants or developers considering Conservation Village design shall present a detailed analysis of the existing resources that improves upon the Sketch Existing Resources and Site Analysis Map required for approval of a development plan. The Existing Resources and Site Analysis Map shall be accompanied by a vertical aerial photograph to a scale of not less than one (1) inch equals four hundred (400) feet.
- (15) Formal Four Step Design Process for Conservation Village Design. Applicants or developers considering Conservation Village design shall



present an updated four step process based upon the sketch submission for development plan review. Upon request of the Planning Commission, the applicant shall be prepared to submit four separate maps indicating the findings of each step of the design process.

- (16) Density and Open Space. An applicant submitting a preliminary plan for approval as a Conservation Village shall provide figures indicating total acreage to be preserved, net acreage available for development, initial number of anticipated units, density bonuses sought, recaptured space and units as a result of clustering as per Section 30.1323, estimated total number of units and number of units per acre.
- (17) Greenway Ownership and Management Plan. Conservation Village design applicants shall submit a preliminary Greenway Ownership and Management Plan detailing the entities responsible for maintaining various elements of the property, and describing fiscal and physical management objectives and techniques for each part of the property.
- (18) Preliminary Resource Impact and Conservation Plan. An applicant seeking approval of a Conservation Village design must present a plan to address impacts of proposed land development alterations on critical resources indicated as part of the Existing Resources and Site Analysis Map. All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention/retention facilities, as proposed in the Preliminary Plan shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable. This requirement may be waived by the Planning Commission if the proposed development areas, as laid out in the preliminary plan would, at maximum, cause no more than an insignificant impact upon the site's resources.

**Sec. 35.44. Required submittals for final plat.**

The required submittals, meeting the legal requirements of platting, of the final plan shall consist of a fully executed correct plat map, meeting all state and county standards, final engineering drawings and auxiliary submittals, and all required legal instruments.

- (f) Other Required Submittals.

- (6) Conservation Village Requirements. Applicants seeking approval of a Conservation Village design shall additionally provide the following as amended for final approval:

- (i) Final Existing Resources and Site Analysis Plan.
- (ii) Final Resource Impact and Conservation Plan.
- (iii) Final Greenway Ownership and Management Plan

**Secs. 35.45--35.50. Reserved.**

***PART 5. RESERVED***

**Secs. 35.51--35.60. Reserved.**

***PART 6. DESIGN STANDARDS***

**Sec. 35.61. General.**

\*

**Sec. 35.62. Streets.**

\*

- (g) Street design in Conservation Village projects will be consistent with the design approved in Four Step Design Process described in Sec. 35.42. (l).

**Sec. 35.63. Blocks.**

\*

- (e) Block design in Conservation Village projects will be consistent with the design approved in Four Step Design Process described in Sec. 35.42. (l).

**Sec. 35.64. Lots.**

\*

- (d) Lot design in Conservation Village projects will be consistent with the design approved in Four Step Design Process described in Sec. 35.42. (l).

**Sec. 35.65. Easements.**

\*

**Sec. 35.66. Drainage systems.**

\*

**Sec. 35.67. Phased development.**

\*

**Sec. 35.68. Water and sewer.**

\*

**Sec. 35.69. Fire flow and hydrant requirements.**

\*

**Sec. 35.70. Decorative entrances.**

\*

**Sec. 35.71. Fences, buffers and berms.**

\*

- (f) Buffers shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect resources identified in the Existing Resources and Site Analysis Map.
- (g) Buffers along exterior roadways shall include a meandering sidewalk or trail suitable for joint use of pedestrians and bicycles and/or according to the Existing Resources and Site Analysis Map.
- (h) Fences along exterior roadways will be no more than 25% opaque, constructed from natural materials and excluding concrete, block, brick and stucco, enhance the open character and facilitate the viewsheds from the roadway according to the Existing Resources and Site Analysis Map.

**Sec. 35.72. Rural subdivision standards.**

\*

**Sec. 35.73 Greenway Design**

- (a) Prioritized List of Resources to be Preserved. The design of greenway lands in any Conservation Village shall, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):
  - (1) Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
  - (2) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
  - (3) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
  - (4) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

- (5) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
- (6) Historic structures and sites.
- (7) Visually prominent topographic features such as scenic viewsheds as seen from public roads (particularly those with historic features).
- (8) Existing trails connecting the tract to other locations in the county.
- (b) Other Design Considerations. The configuration of proposed greenway lands set aside for common use in Conservation Village design shall comply with the following standards:
  - (1) They shall be free of all structures except historic buildings, stone walls, and structures related to greenway uses. The Governing body may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the greenway provided that such facilities would not be detrimental to the greenway.
  - (2) They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
  - (3) They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to greenway land.
  - (4) They shall be suitable for active recreational uses to the extent deemed necessary by the Governing body, without interfering with adjacent dwelling units, parking, driveways, and roads.
  - (5) They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the Conservation Village.
  - (6) They shall provide buffers to adjoining parks, preserves or other protected lands.
  - (7) They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the county. Provisions should be made for access to the greenway lands, as required for land management and emergency purposes.
  - (8) They shall be undivided by public or private streets, except where necessary for proper traffic circulation.
  - (9) They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect greenway resources.

(10) They shall be made subject to such agreement with the county and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Governing body for the purpose of preserving the common open space for such uses.

**Secs. 35.74--35.80. Reserved.**

\*

***PART 7. RESERVED***

**Secs. 35.81--35.90. Reserved.**

***PART 8. REQUIRED IMPROVEMENTS***

**Sec. 35.91. General.**

\*

**Sec. 35.92. Inspections and tests.**

\*

**Sec. 35.93. Monuments.**

\*

**Sec. 35.94. Permanent control points.**

\*

**Sec. 35.95. Utility lines.**

\*

**Sec. 35.96. Sewer and water.**

\*

**Sec. 35.97. Drainage.**

\*

**Sec. 35.98. Curbs and gutters.**

\*

**Sec. 35.99. Roadways.**

\*

**Secs. 35.100--35.110. Reserved.**

\*

***PART 9. RESERVED***

**Secs. 35.111--35.120. Reserved.**

***PART 10. VARIANCES, EXCEPTIONS, AND APPEALS***

**Sec. 35.121. Variances.**

\*

**Sec. 35.122 Minor plat approval; criteria.**

\*

**Sec. 35.123. Appeals.**

\*

**Secs. 35.124--35.130. Reserved.**

***PART 11. RESERVED***

**Secs. 35.131--35.140. Reserved.**

***PART 12. RESERVED***

**Secs. 35.141--35.150. Reserved.**

***PART 13. RECORDING OF FINAL PLAT***

**Sec. 35.151. Recording final plat.**

\*

**Sec. 35.152. No recordation if not approved by board of county commissioners or governing body of municipality.**

\*

**Secs. 35.153--35.160. Reserved.**

***PART 14. RESERVED***

**Secs. 35.161--35.170. Reserved.**

***PART 15. RESERVED***

**Secs. 35.171--35.180. Reserved.**

***PART 16. VACATING OF PLATS, REPLATS, AND CORRECTION OF ERRORS***

**Sec. 35.181. Vacating of plats.**

\*

**Sec. 35.182. REPLATS and resubdivision.**

\*

**Sec. 35.183. Corrective plats.**

\*

**Sec. 35.184. Vacating of rights-of-way and easements.**

\*

**Secs. 35.185--35.190. Reserved.**

***PART 17. RESERVED***

**Secs. 35.191--35.200. Reserved.**

***PART 18. ENFORCEMENT PROVISIONS***

**Sec. 35.201. General.**

\*

**Sec. 35.202. Required improvements.**

\*

**Sec. 35.203. Violation.**

\*

**Secs. 35.204--35.210. Reserved.**

***PART 19. AMENDMENTS***

**Sec. 35.211. Amendments to subdivision regulations.**

\*

**Secs. 35.212--35.220. Reserved.**

***PART 20. LEGAL STATUS***

**Sec. 35.221. Saving clause.**

\*

**Sec. 35.222. Interpretation.**

\*

**Sec. 35.223. Effective date.**

## **PART 69. Conservation Village Design**

### **Sec. 30.1321. Purpose.**

The purpose of the Conservation Village option is to preserve open space and protect natural resources through creative design techniques in a manner that:

- (a) protects surrounding residential development;
- (b) maintains rural character, including the ability to raise animals, as appropriate;
- (c) protects and utilizes wetlands, floodplain and wildlife habitats;
- (d) improves drainage, including runoff and control of pollutants;
- (e) promotes reduced infrastructure through clustering and design practices;
- (f) protects unique or attractive "viewsheds";
- (g) minimizes water consumption;
- (h) incorporates amenities and facilities with consideration given to the surrounding environment; and,
- (i) maintains area quality of life.

### **Sec. 30.1322. General Requirements**

The design of Conservation Villages shall incorporate the following minimum standards:

- (a) **Ownership:** The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
- (b) **Site Suitability:** As evidenced by the Existing Resources/Site Analysis Plan, Development Plan, Preliminary Plan, and the Final Plat, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- (c) **Greenway Land Requirement:** A minimum of 50 percent of a site designated as Conservation Village must be preserved as greenway land in addition to preservation of all Primary Conservation Areas. The required greenway land consists of Secondary Conservation Areas. Primary Conservation Areas shall be comprised of those floodplains, wetlands, and other elements protected from development. Secondary Conservation Areas include natural or unique features of the property, such as woodlots, viewsheds and culturally significant sites that are not protected from development that add to the character of the area but might be otherwise overlooked during the design process.
- (d) **Conservation Easement:** Required greenway land shall be subject to permanent conservation easements prohibiting future development and



defining the range of permitted activities. Easement language shall be based upon text established for conservation easements related to cluster development in agricultural districts as noted in Section 30.111.

- (e) Maintenance Endowment: A maintenance endowment shall be required for all Conservation Villages to provide fiscal support for maintenance of greenways and improvements within greenways. Cost of the maintenance endowment is offset by a density bonus established in Section 30.1325.
- (f) Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the 100-year floodplain, wetlands and historically significant sites constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the detailed Final Plan.

#### Sec. 30.1323. Density Determination and Dimension Standards

##### (a) Determination of Density

- (1) Density shall be calculated utilizing the process established in Section 30.1359 that extracts Primary Conservation Areas and anticipated space required for infrastructure.
- (2). If, by clustering units and incorporating reduced lot requirements permitted in this section, a developer or owner is able to meet County infrastructure requirements without utilizing the full 20 percent of the site set aside in Section 30.1359, the developer may utilize the remainder for purposes of additional buildable area. If the Board is satisfied that infrastructure requirements will be appropriately met, the remaining area may be developed at the same density as the initial Net Buildable Acreage.

##### (b) Building Site Area Regulations

Each single-family dwelling structure located in RC-1 and utilizing the Conservation Village design shall be located on a lot or parcel of land having an area of not less than nine thousand (9,000) square feet and a minimum of seventy-five (75) feet at the building line.

##### (c) Yard Regulations

The following minimum front, side and rear yard setbacks shall be observed with regard to all primary structures

- (1) Front. Twenty-five (25) feet.
- (2) Side. Fifteen (15) feet.
- (3) Rear. Thirty-five (35) feet.

#### **Sec. 30.1324. Greenway Land Use and General Design Standards**

Protected greenway land in all subdivisions shall meet the following standards:

(a) Uses Permitted On Greenway Lands

The following uses are permitted by right in greenway land areas of Conservation Villages:

- (1) Conservation of open land in its natural state (for example, woodlot, wetland, or managed meadow);
- (2) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- (3) Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.
- (4) Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
- (5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board.
- (6) Active non-commercial recreation areas, such as playingfields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playingfields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
- (7) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the greenway.
- (8) Easements for drainage, access, sewer or water lines, or other public purposes;
- (9) Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

(b) Greenway Design Standards

- (1) Greenway lands shall be laid out to ensure that an interconnected network of open space will be provided on site. Interconnection with adjacent, but offsite, open space strongly encouraged.
- (2) Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

(c) Neighborhood Development Standards

- (1) Houselots shall not encroach upon Primary Conservation Areas and their layout shall respect Secondary Conservation Areas as identified in the Existing Resources/Site Analysis Plan.
- (2) All new dwellings shall meet the following setback requirements:
  - (i) From all external road ultimate right-of-way - 100 feet
  - (ii) From all other tract boundaries - 50 feet
  - (iii) From cropland or pasture land - 100 feet
  - (iv) From buildings or barnyards housing livestock - 300 feet
  - (v) From active recreation areas such as courts or playingfields - 150 feet
- (3) Views of houselots from exterior roads and abutting properties shall be minimized by the use of existing vegetation or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.
- (4) Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.
- (5) At least three-quarters of the lots shall directly abut or face greenway land across a street.

(d) Other Standards

- (1) No portion of any building lot may be used for meeting the minimum required greenway land. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.

- (2) Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes shall be provided to greenway land in accordance with the following requirements:
  - (i) Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of thirty-five (35) feet in width.
  - (ii) Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- (3) All greenway land areas that are not wooded or farmed shall be landscaped in accordance with landscaping requirements of the Land Development Code or managed in a natural state, such as wetlands or managed meadows.

### **Sec. 30.1325. Density Bonuses**

Additional density may be allowed by the Board when one of the following public benefits is proposed:

- (a) Endowment for Greenway Maintenance (Required)
  - (1) A density bonus of 0.3 DU/AC is granted to any Conservation Village development to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset a portion of continuing costs of maintaining the greenway land (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of five percent, the amount designated for the Endowment Fund shall be at least twenty (20) times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board, and with experience in managing conservation land and recreational facilities.
  - (2) Because additional dwellings, beyond the maximum that would ordinarily be permitted, may reasonably be considered to be net of development costs and represent true profit, 75% of the net selling price of the endowment lots shall be donated by the applicant to the Greenway Maintenance Endowment Fund for the greenway lands within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.
  - (3) When estimating the projected maintenance costs of the greenway land, greenway land that is not accessible by the subdivision residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Plan for Conservancy Lots or as land reserved for future agricultural,

horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

(b) Water/Sewer Connection

A density bonus of 0.4 DU/AC is granted to any Conservation Village development for which water and sewer connection is not required in which the developer or owner selects to utilize municipal water and wastewater services.

(c) Stormwater Volume Reduction (Stormwater Volume)

A density bonus of 0.6 DU/AC shall be granted to Conservation Village development that incorporates stormwater volume reduction into site design and implementation. To qualify, the development shall provide a reduction in volume by retaining on-site the difference between pre-development and post-development runoff volume for a 25 year/24 hour storm event. Recovery of 75 percent of volume shall occur within 72 hours of the storm event. Natural areas utilized to meet this requirement that are not existing Primary Conservation Areas, such as reconstructed, managed wetlands, shall qualify as part of open space requirements.

(d) Water Quality Treatment (Stormwater Quality)

A density bonus of 0.2 DU/AC shall be granted to Conservation Village development that addresses stormwater quality treatment through an offline stormwater management system. To be eligible, the system requires that sediment forbays equal to  $\frac{1}{2}$  of the water quality volume as required by St. John's River Water Management District be located upstream of water quality treatments.

**Sec. 30.1326. Ownership and Maintenance of Greenway Land and Common Facilities**

(a) Development Restrictions

All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Section 30.1324.

(b) Ownership Options

The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

- (1) Fee Simple Dedication to the County. The County may, but shall not be required to, accept any portion of the common facilities, provided that:
  - (i) There is no cost of acquisition to the County; and,
  - (ii) The County agrees to and has access to maintain such facilities.
- (2) Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
  - (i) The applicant shall provide the County a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
  - (ii) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
  - (iii) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
  - (iv) The association shall be responsible for maintenance and insurance of common facilities;
  - (v) The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent payment of dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
  - (vi) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the County no less than thirty days prior to such event; and
  - (vii) The association shall have adequate staff to administer, maintain, and operate such common facilities.
- (3) Private Conservation Organization or the County. With permission of the County, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:
  - (i) The conservation organization is acceptable to the County and is a bona fide conservation organization intended to exist indefinitely;
  - (ii) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or

Seminole County becomes unwilling or unable to continue carrying out its functions;

- (iii) The greenway land is permanently restricted from future development through a conservation easement and the County is given the ability to enforce these restrictions; and
  - (iv) A maintenance agreement acceptable to the County is established between the owner and the organization or Seminole County.
- (4) Dedication of Easements to the County. The County may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the homeowners' association, or private conservation organization while the easements are held by the County. In addition, the following regulations shall apply:
- (i) There shall be no cost of acquisition to the County;
  - (ii) Any such easements for public use shall be accessible to the residents of the County; and
  - (iii) A satisfactory maintenance agreement shall be reached between the owner and the County.
- (c) Maintenance
- (1) Unless otherwise agreed to by the Board, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, homeowners' association, or conservation organization.
  - (2) The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements.
    - (i) The Plan shall define ownership;
    - (ii) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. wetlands, playing fields, meadow, pasture, cropland, woodlands, etc.);

Unique on-site infrastructure utilized for storm volume reduction or water quality treatment shall be incorporated into the Plan;
    - (iii) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs. ;

- (iv) At the County's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
  - (v) Any changes to the maintenance plan shall be approved by the Board
- (3) In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- (4) The County may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, homeowners association, conservation organization, or individual property owners who make up a homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties and filed by the County as appropriate.